

## Message Text

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ACTION EA-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 DHA-05 CU-04 IO-13 /081 W

-----028803 240723Z /17

R 240631Z AUG 77

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 4138

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E.O. 11652: N/A

TAGS: PINT, SHUM, RP

SUBJECT: PRESIDENTIAL DECREE ON AMNESTY

REF: MANILA 13106

1. EMBASSY HAS OBTAINED COPY OF PRESIDENTIAL DECREE ON AMNESTY REFERRED TO BY MARCOS IN HIS AUGUST 22 SPEECH BEFORE WORLD PEACE THROUGH LAW CONFERENCE (SEE REFTEL). THE DECREE, P.D. 1182, DATED AUGUST 21, PROCLAIMS AMNESTY FOR PERSONS WHO MAY HAVE VIOLATED THE ANTI-SUBVERSION ACT (R.A. 1700), AS AMENDED, OR WHO HAVE COMMITTED CRIMES AGAINST PUBLIC ORDER AS DEFINED AND PENALIZED UNDER THE REVISED PENAL CODE. THE DECREE SPECIFICALLY DISQUALIFIED FROM AMNESTY "THOSE WHO HAVE PROMOTED, MAINTAINED OR HEADED A REBELLION OR INSURRECTION," WHO TOOK PART WHILE HOLDING PUBLIC OFFICE, OR WHO COMMITTED MURDER, RAPE, OR ROBBERY, ETC, EXCEPT WHEN DONE UNDER ORDER AS PART OF SUBVERSION OR CRIMES AGAINST PUBLIC ORDER. PERSONS SEEKING AMNESTY MUST APPLY NOT LATER THAN DECEMBER 31, 1977, SWEAR ALLEGIANCE TO THE REPUBLIC OF THE PHILIPPINES AND THE CONSTITUTION, AND SURRENDER ANY FIREARMS THEY MIGHT POSSESS.

2. PREAMBLE TO P.D. 1182 NOTES THAT THE PERIODS FOR FILING

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FOR AMNESTY UNDER NINE PREVIOUS DECREES ON THE SUBJECT HAVE EXPIRED, BUT THAT THERE ARE STILL SOME WHO MIGHT WANT TO "RETURN TO THE FOLDS OF THE LAW." PREAMBLE FURTHER STATES THAT TO HASTEN THE RESTORATION OF TRANQUILITY AND STABILITY "IT IS NECESSARY THAT CERTAIN MEMBERS, FOLLOWERS, SYMPATHIZERS, AND MERE PARTICIPANTS OF SAID ACTIVIST GROUPS, SUBVERSIVE ASSOCIATIONS, AND FRONT

ORGANIZATIONS, ESPECIALLY THE YOUTH, BE ALLOWED TO LEAD NORMAL LIVES UNDER THE CONTROL AND SUPERVISION OF THEIR PARENTS AND GUARDIANS, OR BENEVOLENT CITIZENS OF THEIR RESPECTIVE COMMUNITIES."

3. WE HAVE ALSO OBTAINED COPY OF LETTER FROM DEFENSE SECRETARY ENRILE TO PRESIDENT MARCOS, STAMPED CONFIDENTIAL, WHICH APPARENTLY ACCOMPANIED DRAFT AMNESTY DECREE SENT TO MARCOS FOR SIGNATURE. LATTER STATES IN PART: QUOTE

--UNLIKE IN PREVIOUS AMNESTY DECREES WHERE INVESTIGATION AND TRIAL OF CASES OF APPLICANTS ARE HELD IN ABYEANCE, SUCH SUSPENSION OF PROCEEDINGS UNDER THE CURRENT PROPOSAL WILL BE AS DIRECTED BY THE PRESIDENT OR SND (SECRETARY OF NATIONAL DEFENSE).

-- UNDER PREVIOUS AMNESTY DECREES, PERSONS DISQUALIFIED MAY STILL APPLY, AND THE AMNESTY COMMISSION, IN THE EXERCISE OF DISCRETION, MAY RECOMMEND GRANT OF AMNESTY. THERE IS NO SUCH DISCRETION ON THE PART OF THE AMNESTY COMMISSION UNDER THE CURRENT PROPOSAL.

-- THIS DECREE WHICH AUTHORIZES THE GRANT OF AMNESTY TO SUBVERSIVES IS MORE LIBERAL IN SCOPE THAN PREVIOUS AMNESTY DECREES IN THAT IT EXTENDS EVEN TO PARTICIPANTS IN REBELLION AND OTHER SUBVERSIVE ACTIVITIES, RATHER LIMITED OFFICIAL USE

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THAN JUST TO MERE AFFILIATES/MEMBERS THEREOF, EVEN AS IT EFFECTIVELY DISQUALIFIED THOSE WHO LED, PROMOTED, MAINTAINED, OR HEADED SUBJECT ILLEGAL ACTIVITIES, INCLUDING PUBLIC OFFICIALS WHO TOOK PART THEREIN. END QUOTE.

4. COPIES OF P.D. 1182 AND ENRILE LETTER BEING POUCHED EA/PHL.

5. COMMENT. WORDING OF DECREE SEEMS TO CONFIRM OUR INITIAL IMPRESSION THAT AMNESTY APPLIES EXCLUSIVELY TO SMALL FRY SUBVERSIVES WHO REPENT. MAJOR POLITICAL CASES SUCH AS AQUINO, LOPEZ/OSMENA AND EVEN HERRERA SEEM TO BE SPECIFICALLY EXCLUDED BY EXEMPTION OF LEADERS AND GOVERNMENT OFFICIALS. WE WILL BE ATTEMPTING TO ASCERTAIN HOW MANY DETAINEES LIKELY TO BE ELIGIBLE FOR AMNESTY UNDER THIS DECREE. LOCAL PRESS, IN REPORTING AMNESTY, NOTED AUGUST 23 THAT ACCORDING TO OFFICIAL FIGURES THERE ARE STILL 3,600 DETAINEES IN PHILIPPINES.

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## Message Attributes

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**Channel Indicators:** n/a  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009